Western Economic Diversification Canada | Diversification de l'économie de l'Ouest Canada

Access to Information Act

Western Economic Diversification Canada
Annual Report to Parliament
April 1, 2009 – March 31, 2010

Canada

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INTRODUCTION

The *Access to Information Act* (R.S. 1985, c. A-1) came into force on July 1, 1983.

The purpose of the Act is to extend the present laws of Canada to provide a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific, and that decisions on the disclosure of government information should be reviewed independently of government.

The Act provides every person who is a Canadian citizen or a permanent resident with a right of access to any record under the control of a government institution, with some specific, limited exceptions.

Western Economic Diversification Canada (WD) is fully committed to both the spirit and the intent of the *Access to Information Act* to ensure openness and transparency within the Department. This report summarizes the activities of WD in implementing the Act, and fulfils the requirement under Section 72, which stipulates that, "*The head of every government institution shall prepare for submission to Parliament an annual report on the administration of this Act within the institution during each financial year.*"

WD's Annual Report to Parliament is posted on the public website (www.wd.gc.ca/eng/59.asp) once tabled in the House of Commons and the Senate, or it may be obtained by submitting a request to:

Access to Information and Privacy Coordinator
Western Economic Diversification Canada
Suite 1500, Canada Place
9700 Jasper Avenue N.W.
Edmonton, Alberta
T5J 4H7
E-mail: atip-aiprp@wd-deo.gc.ca

MANDATE

Western Economic Diversification Canada was established in 1987 to help lessen Western Canada's (British Columbia, Alberta, Saskatchewan and Manitoba) strong economic dependence on natural resources. Under the *Western Economic Diversification Act, 1988*, the Department is mandated to "…promote the development and diversification of the economy of Western Canada and to advance the interests of Western Canada in national economic policy, program and project development, and implementation."

To support these outcomes, WD's programs encourage business development, innovation and community economic development in rural and urban communities. The Department plays an important leadership and coordination role in furthering western interests and responding to western challenges. WD works strategically through partnerships – with all orders of government, academic and research institutes, industry associations and not-for-profit organizations – to implement initiatives that leverage funds and expertise for the benefit of the West and westerners.

The Department organizes its programs and services to effectively pursue its mandate through the following Strategic Outcome: "The western Canadian economy is developed and diversified", and specifically through program activities which include:

- Business Development;
- Innovation;
- Community Economic Development; and
- Policy, Advocacy and Coordination.

WD's strategic investments in these areas will help to fulfill WD's vision:

"To be leaders in creating a more diversified western Canadian economy that has strong, competitive and innovative businesses and communities".

ACCESS TO INFORMATION AND PRIVACY UNIT

Overview

For the purposes of the *Access to Information Act*, the Minister of the Environment, and senior minister responsible for Western Economic Diversification, has delegated his powers, authorities and responsibilities to the Executive Director, Finance and Corporate Management (Access to Information and Privacy Coordinator) and Manager, Corporate Administration (Deputy Access to Information and Privacy Coordinator), who are accountable for the development, coordination and implementation of effective policies, guidelines, systems and procedures to ensure the Minister's responsibilities under the Act are met and to enable appropriate processing and proper disclosure of information.

One full-time Access to Information and Privacy (ATIP) Officer in the Corporate Administration unit assists the Coordinator and Deputy Coordinator with the Access to Information and Privacy functions in WD. An ATIP consultant provides additional support as required. Regional ATIP Liaison Officers (RALOs) are located in each regional office in British Columbia, Alberta, Saskatchewan and Manitoba, as well as the Ottawa Liaison Office and within its Headquarters unit. The RALOs are the first point of contract regionally and identify the appropriate subject experts, coordinate retrieval of records responding to access requests, and providing liaison between the ATIP Unit and regional staff concerning enquiries.

The activities of WD's ATIP Unit include:

- processing requests in accordance with the Act;
- responding to consultations submitted by other federal institutions on WD records being considered for release;
- developing and maintaining policies, procedures and guidelines to ensure the Act is respected by departmental staff;
- promoting awareness of the Act within the Department to ensure staff are aware of the obligations imposed by the legislation;
- preparing Annual Reports to Parliament and other statutory requirements, such as annual statistical reports and maintain the Department's Info Source chapter, as well as other material that may be required by central agencies;
- representing WD in dealings with the Treasury Board of Canada Secretariat (TBS), the Information Commissioner of Canada and other government departments and agencies regarding the application of the Act as it relates to WD;
- monitoring departmental compliance with the Act, regulations and relevant policies and procedures; and
- providing ongoing advice and guidance to senior management and all departmental staff on information management and Access to Information legislation.

Departmental Policies and Procedures

WD's internal ATIP Procedures Manual underwent significant changes in December 2008. It is reviewed annually to ensure that it is up-to-date, and incorporates any changes in TBS policies or directives, or changes as result of issues raised by the Office of the Information Commission or other agents of Parliament. As this manual had been recently revised, however, no changes were made in the 2009-2010 fiscal year.

Access to Information Training and Awareness

The ATIP Coordinator, Deputy ATIP Coordinator and ATIP Officer provide ongoing advice on access to information issues to RALOs and departmental staff to increase awareness of the Act, as well as provide guidance on how the Department processes access requests, and the rationale required to apply the exemptions and exclusions, where appropriate.

WD ATIP Staff Training: The ATIP Officer attended the TBS ATIP 25th Anniversary Conference held in Ottawa in May 2009, and TBS ATIP Community Meetings in June, September and December 2009. The Deputy ATIP Coordinator completed the three-day Canada School of the Public Service course on access and privacy in September 2009.

Monthly Access to Information and Privacy Tips were introduced to WD staff in February 2010. Staff are notified of these tips, entitled "The ATIP Eye", via e-mail and posted on the Department's internal website - ATIP pages. The tips are intended to provide advice on frequently asked questions or areas where the Department might improve on its obligations under the Act. In addition, these tips help create awareness of sections of the Act most commonly applied or questioned (see Appendix A). These tips have been shared with ATIP officials in numerous federal departments, including the regional development agencies in Quebec and Atlantic Canada, the Canadian Space Agency, National Research Council of Canada, and several other departments which are part of the Small Agency Administrators Network. No other training or awareness sessions were conducted in the 2009-2010 fiscal year.

The Department also maintains an "Access to Information and Privacy" web presence on its internal website which includes all policies, procedures, departmental contact information, past training and awareness presentations, relevant links to other useful sites related to access and privacy, as well as the new monthly tips noted above.

Info Source

The Treasury Board Portfolio office reviewed WD's 2009 Info Source chapter and identified the need for improvements to the Department's listing, including:

- assigning a unique "Record Number" to each Institution-Specific Class of Record. This was discussed with the TBS Analyst and will be adjusted in the 2010 chapter; and
- the requirement for new class of information collections for two new programs. Both of these programs, however, were WD clients and not a program or activity of the Department, and no action is required in this regard.

Access to Information Act and *Privacy Act* Delegation Order

Arrêté sur la délégation en vertu de la *Loi sur l'accès à l'information* et de la *Loi sur la protection des renseignements personnels*

The Minister of the Environment, and senior minister responsible for Western Economic Diversification, pursuant to section 73 of the *Access to Information Act* and the *Privacy Act*, hereby designates the persons holding the positions set out in the schedule hereto, or the person occupying on an acting basis the position, to exercise the powers and functions of the Minister as the head of a government institution, under the section of the Act set out in the schedule opposite each position. This Delegation Order supersedes all previous Delegation Orders.

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et la *Loi sur la protection des renseignements personnels*, le ministre de l'Environnement, et ministre principal responsable de la Diversification de l'économie de l'Ouest canadien, délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'à la personne occupant à titre intérimaire lesdits postes, les attributions dont il est, en qualité de responsable d'une institution fédérale, investie par les articles des *Lois* mentionnées en regard de chaque poste. Le présent décret de délégation remplace et annule tout décret antérieur.

Schedule / Annexe

Position / Poste	*Access to Information Act* and Regulations / *Loi sur l'accès à l'information* et règlements	*Privacy Act* and Regulations / *Loi sur la protection des renseignements personnels* et règlements
Executive Director, Finance and Corporate Management / Directeur exécutif, Finances et Gestion ministérielle	Full authority / Autorité absolue	Full authority / Autorité absolue
Manager, Corporate Administration / Gestionnaire, Administration intégrée	Full authority / Autorité absolue	Full authority / Autorité absolue

Dated, at the City of Ottawa
this 12 day of August, 2009

Daté, en la ville d'Ottawa
ce 12 jour de août 2009

THE HONOURABLE JIM PRENTICE
MINISTER OF THE ENVIRONMENT

L'HONORABLE JIM PRENTICE
MINISTRE DE L'ENVIRONNEMENT

Delegation of powers, duties and functions delegated pursuant to section 73 of the *Access to Information Act* Western Economic Diversification Canada			
Section	**Description**	**Executive Director, Finance and Corporate Management**	**Manager, Corporate Administration**
7(a)	Notice where access is requested	X	X
8(1)	Transfer to and transfer from institution	X	X
9	Extension of time limits	X	X
11(2), (3), (4), (5) and (6)	Additional fees	X	X
12(2)	Language of access	X	X
12(3)	Access in an alternative format	X	X
13	Information obtained in confidence	X	X
14	Federal-Provincial affairs	X	X
15	International affairs and defence	X	X
16	Law enforcement and investigation	X	X
17	Safety of individuals	X	X
18	Economic interests of Canada	X	X
19	Personal information	X	X
20	Third party information	X	X
21	Advice	X	X
22	Testing procedures	X	X
23	Solicitor-client privilege	X	X
24	Statutory prohibitions	X	X
25	Severance	X	X
26	Information to be published	X	X
27(1) and (4)	Third party notification	X	X
28(1), (2) and (4)	Third party notification	X	X
29(1)	Disclosure on recommendation of Information Commissioner	X	X
33	Advise Information Commissioner of third party involvement	X	X
35(2)	Right to make representations	X	X
37(4)	Access to be given complainant	X	X
43(1)	Notice to third party (application to Federal Court for review)	X	X
44(2)	Notice to applicant (application to Federal Court by third party)	X	X
52(2) and (3)	Special rules for hearings	X	X
69	Excluded information – Cabinet confidences	X	X
71(2)	Exempt information severed from manuals	X	X
77	Responsibilities conferred on the head of the institution by the regulations made under section 77 which are not included above	X	X

2009-2010 Report on the *Access to Information Act* (Statistical Report)

Government of Canada / Gouvernement du Canada

REPORT ON THE ACCESS TO INFORMATION ACT
RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATON

Institution Western Economic Diversification Canada / Diversification de l'économie de l'Ouest Canada				Reporting period / Période visée par le rapport 2009/04/01 to/a 2010/03/31	
Source	Media / Médias 3	Academia / Secteur universitaire 0	Business / Secteur commercial 0	Organization / Organisme 2	Public 13

I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information

Received during reporting period / Reçues pendant la période visée par le rapport	18
Outstanding from previous period / En suspens depuis la période antérieure	7
TOTAL	25
Completed during reporting period / Traitées pendant la période visées par le rapport	24
Carried forward / Reportées	1

II Disposition of requests completed / Disposition à l'égard des demandes traitées

1.	All disclosed / Communication totale	8	6.	Unable to process / Traitement impossible	2
2.	Disclosed in part / Communication partielle	10	7.	Abandoned by applicant / Abandon de la demande	5
3.	Nothing disclosed (excluded) / Aucune communication (exclusion)	0	8.	Treated informally / Traitement non officiel	0
4.	Nothing disclosed (exempt) / Aucune communication (exemption)	1	TOTAL		24
5.	Transferred / Transmission	0			

III Exemptions invoked / Exceptions invoquées

S. Art. 13(1)(a)	0	S. Art 16(1)(a)		S. Art. 18(b)	0	S. Art. 21(1)(a)	7
(b)	0	(b)	0	(c)	0	(b)	8
(c)	2	(c)	0	(d)	1	(c)	7
(d)	1	(d)	0	S. Art. 19(1)	5	(d)	0
S. Art. 14	9	S. Art. 18(2)	0	S. Art. 20(1)(a)	0	S. Art.22	0
S. 15(1) Art. International rel. / Relations intern.	0	S. Art. 18(3)	0	(b)	3	S. Art 23	3
Defence / Défense	0	S. Art. 17	0	(c)	1	S. Art. 24	0
Subversive activities / Activités subversives	0	S. Art. 18(a)	0	(d)	2	S. Art 26	0

IV Exclusions cited / Exclusions citées

S. Art. 68(a)	0	S. Art. 69(1)(c)	0
(b)	0	(d)	0
(c)	0	(e)	1
S. Art. 68(1)(a)	0	(f)	0
(b)	0	(g)	3

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	13
31 to 60 days / De 31 à 60 jours	7
61 to 120 days / De 61 à 120 jours	2
121 days or over / 121 jours ou plus	2

VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	0	0
Consultation	4	3
Third party / Tiers	1	3
TOTAL	5	6

VII Translations / Traduction

Translations requested / Traductions demandées		0
Translations prepared / Traductions préparées	English to French / De l'anglais au français	0
	French to English / Du français à l'anglais	0

VIII Method of access / Méthode de consultation

Copies given / Copies de l'original	15
Examination / Examen de l'original	0
Copies and examination / Copies et examen	1

IX Fees / Frais

Net fees collected / Frais net perçus			
Application fees / Frais de la demande	$85.00	Preparation / Préparation	$30.00
Reproduction	$112.00	Computer processing / Traitement informatique	$0.00
Searching / Recherche	$0.00	TOTAL	$227.00

Fees waived / Dispense de frais	No. of times / Nombre de fois	$
$25.00 or under / 25 $ ou moins	12	$ $69.80
Over $25.00 / De plus de 25 $	3	$ $319.80

TBS/SCT 350-62 (Rev. 1999/03)

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)		
Salary / Traitement	$	70,049
Administration (O and M) / Administration (fonctionnement et maintien)	$	8,721
TOTAL	$	78,770

Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	.9

Western Economic Diversification Canada
2009-2010 Report on the *Access to Information Act*

Discrepancies

Application Fees: Western Economic Diversification Canada (WD) collected a total of $90 in application fees in 2009-2010 (18 formal requests x $5/request). However, one $5 application fee was returned to an applicant when the request was withdrawn within days of receipt. This request was received on March 30, 2009, and the application fee cheque deposited immediately to ensure it was included in fiscal year deposit information. This fee was included and reported on the 2008-2009 statistical report. Before any processing could be undertaken on this request, however, WD received verbal notice that the applicant was considering withdrawing the request, processing was stopped, and formal written notification that the request was being withdrawn was received on April 2, 2009. A decision was made to return the application fee as a result and, therefore, this refund is reflected in the fees reported on the 2009-2010 report.

Subsection 16.5: On one request, WD refused to disclose records as the information requested under the Act fell within a mandatory exemption under subsection 16.5, which pertains to records created for the purpose of making a disclosure under the *Public Servants Disclosure Protection Act* or in the course of an investigation into a disclosure under that Act.

Additional Reporting Requirements

Part III – Exemptions invoked:

Section 13	Subsection 13(e)	0
Section 14	Subsection 14(a)	4
	Subsection 14 (b)	3

Part IV – Exclusions cited:

Section 69.1(1)	0

ACCESS TO INFORMATION TRENDS AND STATISTICAL OVERVIEW

Highlights

- Access to Information and Privacy Tips, entitled "The ATIP Eye", were introduced in February 2010 to enhance staff awareness. These monthly tips are intended to provide advice on frequently asked questions or areas where the Department might improve on its obligations under the Act, and create awareness of sections of the *Act* most commonly applied or questioned. These tips are posted on WD's internal website.
- As a result of Round VI of the government-wide Management Accountability Framework (MAF) reporting exercise, the ATIP Unit spent considerable time improving its Info Source listing; the Department was recognized for its improvements on its Classes of Records listings.
- In addition, the ATIP Unit reviewed and provided advice on 25 audit and evaluation reports and related documents, or other departmental reports prior to information being posted to WD's public website.

Challenges

- Announcement of the Economic Action Plan in Budget 2009, and the resulting rapid development and roll-out of the Community Adjustment Fund (CAF) and Recreational Infrastructure Canada (RInC) programs, greatly reduced the available resources available to improve WD's Info Source chapter. For this reason, all updates to the Class of Records listings in the chapter were undertaken by the ATIP Officer with limited assistance from the subject experts.

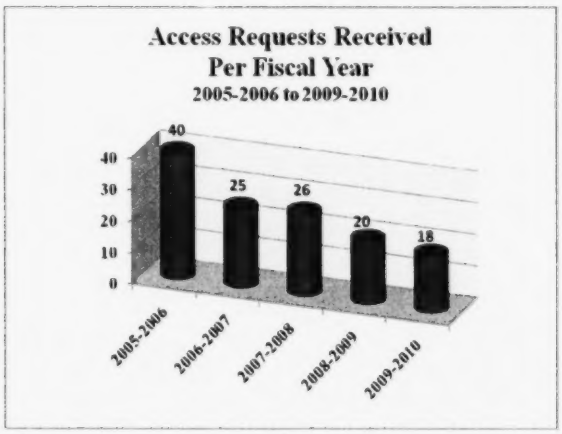
2009-2010 Trends

In 2008-2009 a trend emerged for electronically-produced Excel spreadsheet lists of grants and contributions or project information that is compiled from WD's financial databases. In 2009-2010, however, only three such requests were received, and two were specifically for lists of approved RInC program projects. The other requests covered a broad spectrum of topics.

Requests Received Under the *Access to Information Act*

Between April 1, 2009, and March 31, 2010, WD received 18 requests for information under the *Access to Information Act*, and opted to process one access request informally as it pertained only to information in the public domain. WD also carried forward seven requests from the 2008-2009 fiscal year.

By comparison, 20 requests were received in 2008-2009, continuing a downward trend for the Department.



In total, 24 access requests were completed during the reporting period, with one access request being carried forward to the 2010-2011 fiscal year. This request was received within the last month of the fiscal year, March 2010.

One request was withdrawn/abandoned within days of receiving the request and the application fees were refunded (received on March 30, 2009 and withdrawn/closed on April 2, 2009). Fees were reported as received in the fiscal year 2008-2009, and application fees reported in the 2009-2010 statistical report reflect the return of these fees. Additionally, four other requests were abandoned in 2009-2010.

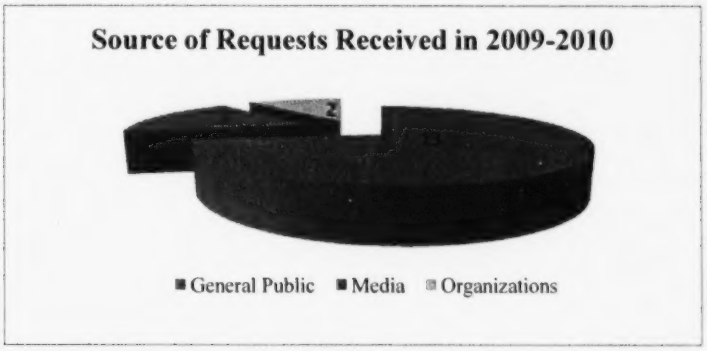
Also of note were two requests which WD was unable to process as no records existed which responded to the requests.

Sources of Formal Requests

The breakdown of the sources of requests received in 2009-2010 is as follows:

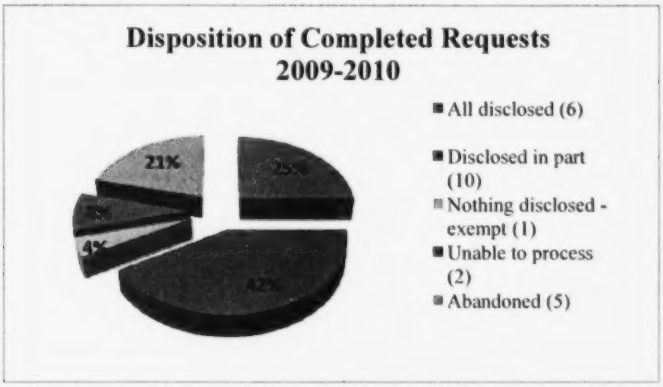
- 13 or 72% from the general public;
- three or 17% from the media; and
- two or 11% from other organizations, one being a political party.

By comparison, in 2008-2009 the requests were more broadly distributed between the various sources: 54% from the public, 23% from the media, 11.5% from business, and 7.5% from organizations (one from a political party and one from another organization), and 4% from academia.



Disposition of Completed Requests

In 2009-2010, WD completed 24 access requests. The breakdown of the disposition is as follows:

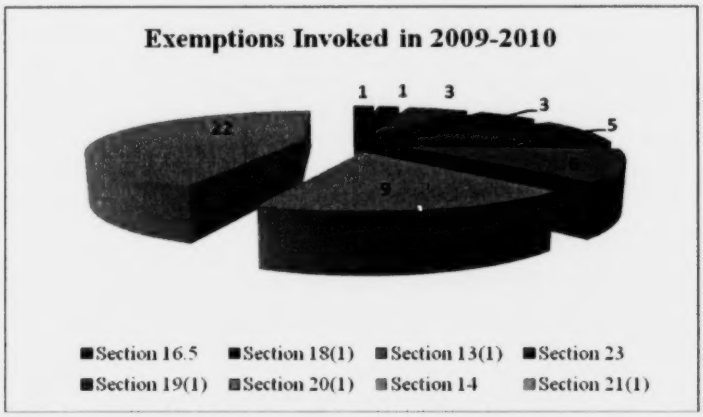


Exemptions Invoked

In six of the requests closed by WD in 2009-2010, all information was disclosed in its entirety, leaving 13 requests to which exemptions were applied. If five different exemptions were applied to a request, one exemption under each relevant section would be reported for a total of five. However, if the same exemption is claimed several times in the same request, it is captured only once in the statistics.

WD applied the following exemptions: 13(1)(c) and (d), 14 or 14 (a) and (b), 18(d), 19(1), (20)(1)(b)(c) and (d), 21(1)(a)(b) and (c), and 23. Section 21(1) of the Act was the most utilized exemption during this reporting period; it was applied to nine requests, and two or more subsections of 21(1) were applied in each of these requests.

In addition, on one request WD refused to disclose records in accordance with the mandatory exemption under section 16.5 - *Public Servants Disclosure Protection Act.*



Finally, further to the request for additional information on exemptions applied under the *Act* in the additional reporting requirements attached to the "Report on the *Access to Information Act*", WD's statistics are as follows:

- Subsection 13(e) – WD did not invoke this exemption concerning information obtained in confidence from an aboriginal government.
- Section 14, subsection (a) – WD invoked this exemption concerning conduct of federal/provincial affairs on four requests.
- Section 14, subsection (b) – WD invoked this exemption concerning federal/provincial consultations or deliberations on three requests.

Exclusions Cited

The Act does not apply to certain materials, such as published material pursuant to Section 68, or confidences of the Queen's Privy Council pursuant to Section 69.

During this reporting period, WD did not invoke Section 68, and Section 69 was invoked and applied as required on three access requests. If WD applied two different exclusions to a request, one exclusion under each relevant section would be reported for a total of two. However, if the same exclusion is claimed several times in the same request, it is captured in the statistics only once. WD invoked sections 69(1)(e) once and 69(1)(g) three times.

Further to the request for additional information on exclusions applied under the *Act* in the additional reporting requirements attached to the "Report on the *Access to Information Act*", WD's statistics are as follows:

- Subsection 69.1(1) – WD did not invoke this exclusion concerning the *Canada Evidence Act.*

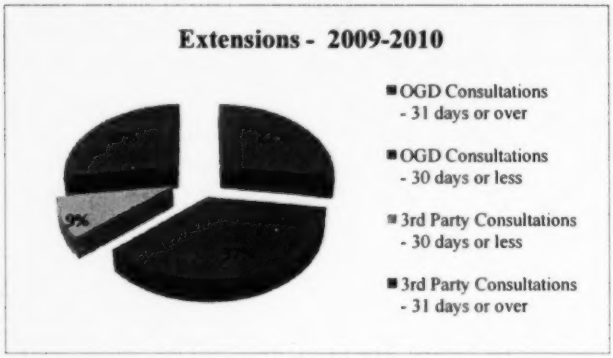
Extensions of Time Limits

Section 9 of the Act provides for the extension of the statutory time limits if the request is for a large volume of records or necessitates a search through a large volume of records and meeting the original time limit would unreasonably interfere with the operations of the Department, or if consultations are necessary.

During this reporting period, WD did not extend any request for the purposes of search or volume or records.

Of the 24 files closed during the 2009-2010 fiscal year, only eight requests required extensions in order to complete necessary consultations. Three requests required both third party and other government department consultations.

Two lengthy consultations over 121 days concerning Cabinet confidences were carried forward from the 2008-2009 fiscal year. It should be noted that preliminary responses were provided for both of these requests and all information possible disclosed, with final responses provided at the conclusion of the consultation process.

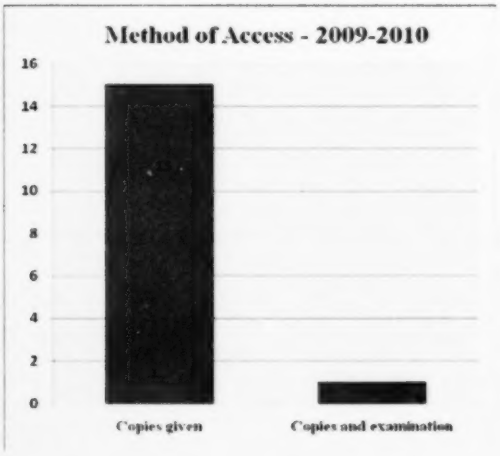

Extensions - 2009-2010
OGD Consultations - 31 days or over
OGD Consultations - 30 days or less
3rd Party Consultations - 30 days or less
3rd Party Consultations - 31 days or over
9%

WD Consultations

WD undertook limited consultations with other government departments (OGD) during this reporting period. In total, WD consulted seven federal departments and Crown corporations on 11 occasions. In addition, one request for a copy of the ministerial briefing book which was carried forward from fiscal year 2008-2009 required extensive internal and 21 OGD consultations due to the broad spectrum of subject matter that reflects the work WD undertakes strategically with other federal departments to implement various initiatives, including initiatives under the Government of Canada's Economic Action Plan in the West.

In addition, WD undertook consultations with third parties on six requests, two of which were closed within the original 30 day timeframe and did not require extensions.

Method of Access



Completion Times

The lengthy completion times of 121 days or more on two requests are directly related to lengthy response times on requests requiring consultations concerning Cabinet confidences.

Other Government Department (OGD) Consultations

WD was consulted by OGD's on 12 occasions in the 2009-2010 fiscal year. This is down one-third from the 2008-2009 fiscal year. On average, WD responded in less than six days. WD had no objections to full disclosure of information pertaining to the department on 10 requests, recommended disclosure in part on one, and recommended that all records be withheld in their entirety on another.

Fees

Access to Information fees collected during the reporting period totalled $227. These fees include application fees for 18 requests, less $5 for a request which was withdrawn and the fees returned to the applicant, $30 preparation fees, and $112 for reproduction costs. During the same period, WD waived fees totalling of $389.60.

In addition, $368.50 in preparation and reproduction fees were waived as a result of abandoned requests.

Operational Costs to Administer the *Act*

WD's cost for administrating the *Access to Information Act* is estimated as follows:

ATIP Unit salaries (including a portion of the ATIP and Deputy ATIP Coordinator's salaries, and 70% of the ATIP Officer's salary)	$70,049
Administrative O&M costs	$8,721
TOTAL ATIP UNIT COSTS	**$78,770**
Additional costs (including salary costs of other departmental officials involved in the retrieval, review and recommendation phases of the request, and ATIP case management system maintenance duties by a systems analyst)	$13,531
Total Departmental ATIP-Related Costs	**$92,301**

The associated ATIP Unit employee resources for 2009-2010 are estimated at 0.9 of a full-time equivalent (FTE) for administering the *Act*.

Administrative costs decreased by approximately 25% this year due in part to the nature of the requests and reduced staff training-related expenses.

Complaints and Investigations

WD received one complaint pursuant to the *Access to Information Act* in the 2009-2010 fiscal year. As of March 31, 2010, this complaint awaits assignment to an investigator in the Office of the Information Commissioner of Canada.

In addition, one complaint related in part to a Community Futures Development Corporation that had been carried over from the 2006-2007 fiscal year was closed (settled in the course of investigation).

APPENDIX A
THE ATIP EYE

From: WDNet
Sent: Thursday, February 25, 2010 10:40 AM
To: * Everyone - All Regions
Subject: The ATIP Eye | Le regard de l'AIPRP
Attachments: oledata.mso

The ATIP Eye...Timelines

Access to Information and Privacy Tips: February 2010

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From: WDNet
Sent: Monday, March 22, 2010 12:16 PM
To: * Everyone - All Regions
Subject: The ATIP Eye | Le regard de l'AIPRP
Attachments: oledata.mso

The ATIP Eye...Transitory and Draft Records

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Western Economic Diversification Canada | Diversification de l'économie de l'Ouest Canada

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The ATIP Eye... *Timelines*

Access to Information and Privacy Tips: February 2010

Section 7 of the *Access to Information Act* spells out the legislated timelines to respond to requests for information held by government.

It Is A Priority!

At Western Economic Diversification Canada (WD), we understand the pressures and multiple demands that our staff face every day. At fiscal year-end, for example, we know our staff is already taxed and an access request is the last thing they have time for. Unfortunately, responding to a request for records or providing advice on a consultation is a priority, and we can't just set it aside for a more convenient time. WD has a legislated responsibility and clock starts ticking as soon as we receive a request.

At WD, we generously provide staff with 10 calendar days to do the same work! Many federal government institutions provide only 3 to 5 calendar days to respond to a retrieval request, including: searching, photocopying, providing complete advice, obtaining sign-off and delivering to the ATIP unit).

With only 30 days to respond to the requestor, working within the timelines provided in a retrieval request is vitally important, as there is much work to be done to meet our obligations under "*the Act*" after the records leave your office.

If you are the subject expert, please make it a priority and set aside sufficient time to look for the records which respond to the request and provide the appropriate advice. If your schedule prevents this – you are travelling for an extended period, tied up in meetings, or simply carrying a heavy workload, then please speak to your manager or Regional ATIP Liaison Officer (RALO) to coordinate assistance for you.

There may also be other options available to you, and the Department, that a simple conversation with the ATIP Officer may uncover. Please don't be afraid to make the call! Knowing what challenges you face will assist us in helping you.

P.S. Early responses are welcome and greatly appreciated, and we encourage all staff to consider this a best practice, especially on the less complicated requests.

Any questions? Please contact WD's ATIP Officer Barb Steele at (780) 495-4982.

Last Modified: 2010-02-24

Important Notices

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The ATIP Eye...*Transitory and Draft Records*

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The *Access to Information Act* defines a record as: "any documentary material, regardless or medium or form."

What is a transitory record?

"...records that are required only for a limited time to ensure the completion of a routine action or the preparation of a subsequent record. Transitory records do not include records required by government institutions or Ministers to control, support or document the delivery of programs, to carry out operations, to make decisions or to account for activities of government."

Thousands of records in paper, electronic and other formats are created and received by Western Economic Diversification Canada (WD) staff every day. Many of these are highly valuable to WD and need to be protected and preserved. For example, for records that:

- document the initiation, conduct and completion of a business activity or transaction;
- contribute to the evolution of legislation or policy development;
- involve financial or legal matters, or have policy, program or procedural implications;
- document how/why certain decisions and actions were or were not taken; or
- provide information to Parliament in order to account for WD's activities.

However, there are also a great number of records that rapidly lose their value from the time they are created or received, and they therefore no longer need to be retained. Records of no long-term value are considered "transitory" and can be destroyed once they are no long of use, such as:

- records required for a limited period of time in order to complete a routine action or to prepare another record;
- a draft document that is never communicated beyond the author;
- a document that contains notes and where the additional information is found in a later version;
- a document which is received as a copy, that is maintained for convenience only and which does not direct that the receiver of the copy take any action;
- personal working notes – once the necessary information has been incorporated into an official document; and
- reference material used in a marginal way and which is not required to account for decisions which have or have not been taken.

A simple rule of thumb to use in identifying a transitory record is to ask yourself...Was the record used to initiate or continue a WD activity? Did it provide comments on an activity underway which requires administrative action? Does it request an opinion on an activity of interest to WD? If the answer to any part of this question is yes, you are not dealing with a transitory record.

> **NOTE:** It is unlawful to destroy any records once a formal access or privacy request has been received. So, if a transitory record still exists and it is relevant to a request received by WD, that record cannot be destroyed and must be provided to the ATIP unit for processing.

Draft documents are preliminary versions used to create a final document, and may be used to solicit comment and input from others before a document is finalized. Draft prepared in the process of making a decision, implementing a policy, for example—and copies of such drafts—must be retained and filed where they have been annotated or where information has been added to them.

If a draft document is circulated via e-mail, the e-mail plus the draft attachment are considered one record. If comments on the draft are returned in the e-mail and not incorporated in the draft document, then the e-mail must